

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA,

CASE NO. 18-60341-CR-DIMITROULEAS

Plaintiff,

vs.

OWEN CLEVELAND GAYLE,


Defendant.

ORDER

THIS CAUSE is before the Court on Defendant's March 1, 2019 Motion to Suppress [DE-23]. The Court has considered the Government's March 6, 2019 Response [DE-25] and Defendant's March 8, 2019 Reply [DE-26]. The Court heard arguments of counsel at a hearing held on March 8, 2019 and considered the search warrant affidavit. (exhibit one). The Court finds that, ignoring the last paragraph of the affidavit, the remainder of the affidavit still supported the issuance of the search warrant. Here, it seems likely that the warrant would have been sought, absent the incriminatory statements. *See, U.S. v. Albury*, 782 F. 3d 1285, 1291-93 (11th Cir. 2015). Even though the officers had a signed, consent to search form, they still proceeded to get a warrant. However, the government has agreed that Defendant's admissions are inadmissible in the Government's case-in-chief.

Wherefore, the Motion to Suppress Statements [DE-23-2] is Granted. The Motion to Suppress Evidence [DE-23-1] is Denied.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 8th day of March, 2019.


WILLIAM P. DIMITROULEAS
United States District Judge

Copies furnished to:

Counsel of Record